

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • INTERNET: www.honolulu.gov

KIRK CALDWELL
MAYOR



ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

August 14, 2018

The Honorable Ernest Y. Martin
Chair and Presiding Officer
and Councilmembers
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

SUBJECT: *Resolution 18-158 Requesting an Update on the Status of the City Administration's Action Plan Addressing the Public Health and Safety Issues Associated with Concentrations of Homeless Persons in the City and County of Honolulu Who May be Subjected to Prohibitions Against Obstructions on Public Sidewalks or Illegal Lodging*

This testimony is submitted to provide the City Council with a summary of the information requested in Resolution 18-158, which will be heard by the Council at its meeting on August 15, 2018. The Council has asked for "an update on the status of the Administration's action plan addressing the concentrations of homeless persons in the City that may be subject to prohibitions against obstructions on public sidewalks or illegal lodging on public sidewalks or other public areas,"

This letter responds to the letters sent to the various departments (the Department of Facility Maintenance (DFM), the Department of Community Services (DCS), the Honolulu Police Department (HPD), and the Office of Housing (HOU)), by Councilmember Fukunaga and provides a summary of immediate efforts and capacity to support the implementation of Bills 51 and 52 (2018).

However, this response to Resolution 18-158 should not replace a more robust and open discussion of those bills. As described in my letter dated August 3, 2018, to each of you, Bill 51 (2018) and Bill 52 (2018) are unique from one another and, thus, the discussion and approach for each are separate. Bill 51 seeks to eliminate the placement of obstacles on our sidewalks that obstruct the free flow of pedestrian traffic. Bill 52 pertains to people lodging on sidewalks throughout the island. At the July 25, 2018, meeting of the Public Works, Infrastructure and Sustainability Committee, DCS, on behalf of my Administration, submitted a CD1 to each of the bills, and I would ask that you consider and approve those conference drafts for further consideration. I look forward to the Council scheduling hearings on those bills.

18AUG15 AM 9:50 CITY CLERK

The Honorable Ernest Y. Martin,
Chair and Presiding Officer
and Councilmembers
August 14, 2018
Page 2

Attached are a copy of the August 3 letter that I sent to Chair Martin, with similar letters sent to each councilmember, and the July 25 letter from DCS to the PWIS Committee attaching the two conference drafts.

1. What is the City's overall strategy and plan to implement Bills 51 and 52 if they are adopted "on approval"?

Bill 51.

As I explained in my August 3 letter, the Administration's proposed CD1 to Bill 51 differs from the sit lie laws, the Stored Property Ordinance and the Sidewalk Nuisance Ordinance (SPO/SNO) because those existing laws apply to certain sidewalks and malls at set times, in specific commercial and business districts where sitting or lying on the sidewalk or mall would impede commercial activity.

Bill 51 takes an entirely different approach. Sidewalks are a part of our multi-modal transportation system and they are intended to serve members of the public who wish to walk to where they want to go. Bill 51 seeks to address obstacles on the public sidewalks that impede the free flow of pedestrian traffic on them. It would prohibit objects such as movable kiosks in Waikiki from which activities are sold, a cooking grill in downtown Honolulu, and food items for sale that have been placed on sidewalks, all for commercial purposes. As I indicated in my August 3 letter, "We need to return our sidewalks to the pedestrians for their safe passage."

DFM and HPD will utilize existing and planned resources so that people stop interfering with, impeding and/or preventing the full, free and unobstructed passage of pedestrians upon public sidewalks. The bill would be applicable during the hours from 6:00 a.m. to 10:00 p.m. given that most pedestrians traverse the sidewalks during those hours.

Bill 52.

The overall implementation strategy for Bill 52 that is described in the Administration's proposed CD1 is a three-step process:

(1) outreach including selected targeted interagency night-outreach; verifying that shelter is readily available and offering to transport an individual who is "lodging" on a public sidewalk to an available shelter; orally asking or ordering the person not to lodge on the sidewalk and giving the individual one hour to relocate from the sidewalk;

(2) upon satisfaction of the first step, enforcement and maintenance led by DFM, which is the agency charged with managing the public sidewalks; and

(3) activation of the surrounding area through community participation.

We are hopeful that, with increased outreach and the opportunity to be transported to available shelters, citations and arrests will not be necessary under Bill 52; however, if they are necessary, the HPD is charged with doing so.

HOU and DCS are prepared to support the implementation of Bill 52. HOU, working with the State of Hawaii and other partners, is already able to determine the availability of shelter space. To support long-term needs, the City and State are exploring a project that will allow electronic compilation and delivery of real-time vacancy (availability) data from all Oahu shelters.

Presently, HPD and HOU have been providing some transportation so that individuals living on the sidewalks or camping in parks, who want to relocate to a shelter of their choice, can get to those shelters or housing. If Bill 52 is approved, DCS anticipates releasing a Request for Proposals to contract for transportation services to available shelters or housing with existing funds.

DFM will utilize existing and planned resources. DFM anticipates that individuals who are transported to shelters or other available housing will not leave behind much, if any, personal property.

In summary, implementation of Bill 52 will be dictated by shelter flow and availability of space, as the Bill's provisions require. Enforcement will be subject to the availability of shelter space.

2. What resources are available now to implement an island-wide removal of obstructions from city sidewalks and illegal lodgings from city sidewalks?

As stated above, DFM will utilize existing and planned resources as DFM does not anticipate a significant workload increase in removing personal property from sidewalks as a result of the bills. DFM presently has two (2) teams actively working on island-wide enforcement actions relating to violations of the existing provisions of the SPO and SNO, and those teams will support the implementation of Bills 51 and 52 if they are approved. DFM is also presently training new staff to deploy a third enforcement team to further support the implementation of these laws.

3. If FY19 financial resources are being programmed for implementation of Bills 51 and 52, what is the total amount of funds that are being planned for the implementation? Please identify the sources of funding, and timetables for release of funds.

Bill 51.

As stated above, DFM does not anticipate a significant increase in removing personal property from sidewalks as a result of Bill 51. To the extent there are individuals with personal property who are lodging on the public sidewalks, please refer to the commentary below with regard to Bill 52.

HPD enforces applicable laws and will enforce Bill 51 as a part of its normal course of business. However, if special programs are scheduled or expected, HPD would shift personnel and would potentially incur overtime expenses for any such programs.

Bill 52.

The Homeless Management Information System (HMIS) is used to collect client-level data to support homeless individuals and families, and persons at risk of homelessness, and would likely be used in support of Bill 52. DCS's FY19 budget includes federal funds required to modify the existing HMIS software program to facilitate the provision of real-time data.

Funds to support the contemplated transportation contract are estimated at \$250,000 and are already included within the approved DCS Community Based Development Division Operating Budget for Fiscal Year 2018-2019, which allocates \$9.3 million of General Funds for current expenses to contract with providers to address homelessness programs, including tenant-based rental assistance, case management, navigation center, hygiene center, landlord engagement and outreach navigation. The following are the quarterly allotments for these funds to support these programs:

Department of Community Services Division of Community Based Development Fiscal Year 2019				
	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Allotment Schedule	\$2,325,000	\$2,325,000	\$2,325,000	\$2,325,000

Funding for the continued operation of DFM's two (2) existing SPO/SNO Teams and the new third team referenced above are already included within the approved DFM Division of Road Maintenance (DRM) Operating Budget for Fiscal Year 2018-2019, which allocates \$613,600 for salaries and current expenses relating to the work conducted by the SPO/SNO Teams. DFM anticipates this will be sufficient resources to support implementation of Bill 52. The following are the quarterly allotments for these funds to support these programs:

Department of Facility Maintenance Division of Road Maintenance Fiscal Year 2019				
	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Allotment Schedule	\$153,400	\$153,400	\$153,400	\$153,400

Here again, HPD enforces applicable laws and will enforce Bill 52 as a part of its normal course of business. However, if special programs are scheduled or expected, HPD would shift personnel and would potentially incur overtime expenses for any such programs.

4. What additional resources will be required for city agencies to implement an island-wide removal of obstructions from city sidewalks and illegal lodgings from city sidewalks, when many neighborhoods included within existing sit-lie prohibition zones complain that enforcement of the current laws are inadequate or inconsistent?

Bills 51 and 52.

DFM already conducts SPO/SNO enforcement actions island-wide and will evaluate its projected needs for Fiscal Year 2019-2020 to enhance response capability and removal efforts of personal property related to applicable City ordinances under its authority.

HPD is always mindful of staffing and demands for its services that put a strain on personnel. As stated above, if special programs are scheduled or expected, HPD would shift personnel and would potentially incur overtime expenses for any such programs.

Bill 52.

DCS anticipates contracting for transportation and will request additional funds in Fiscal Year 2019-2020 as needed to support the implementation of Bill 52.

Conclusion

The Administration is prepared to implement the proposed legislation upon approval as outlined above. We view Bill 51 as a return of our sidewalks to the pedestrians for their safe passage. We view Bill 52 as an opportunity to assist individuals lodging on public sidewalks in relocating to available shelters or other housing by providing additional outreach and transportation.

The Honorable Ernest Y. Martin,
Chair and Presiding Officer
and Councilmembers
August 14, 2018
Page 6

On behalf of the Administration and myself, thank you for the opportunity to explain the plans for implementation of Bill 51, proposed CD1 and Bill 52, proposed CD1. This letter contains a brief summary, and we look forward to providing a comprehensive update to the City Council by mid-October 2018.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirk W. Caldwell', with a long horizontal flourish extending to the right.

Kirk W. Caldwell
Mayor

Attachments

cc: Roy Amemiya, Managing Director
Nelson Koyanagi, Director, Department of Budget and Fiscal Services
Ross Sasamura, P.E., Director, Department of Facility Maintenance
Pam Witty-Oakland, Director, Department of Community Services
Susan Ballard, Police Chief
Marc Alexander, Executive Director, Office of Housing